

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CELESTE SPICER, on behalf of herself and others :
similarly situated, :

Plaintiffs, :

- against - :

PIER SIXTY, et al., :

Defendants. :
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08 Civ. 10240 (RMB) (FM)

ORDER

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In light of Defendants' letter application, dated September 21, 2011, seeking informal mediation overseen by the Court, Defendants' pending application, dated July 11, 2011, for "vacatur of Judge Sand's prior substantive rulings in this case" is hereby denied without prejudice. This will enable Plaintiffs to participate in the mediation (see Pls.' Ltr. to the Ct., dated Sept. 21, 2011, at 1 ("Plaintiffs do not feel comfortable conducting a settlement conference before your Honor while Defendants' motion for vacatur is pending.")), and will allow the mediation to proceed in a less contentious environment.

Counsel and principals are directed to appear for informal mediation before the Court on Friday, September 30, 2011 at 9:30 a.m. in Courtroom 21B of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York. Plaintiffs and Defendants are each directed to submit ex parte statements outlining their respective positions regarding settlement of this matter. Such statements shall not exceed 3 pages (double spaced) and shall be submitted to the Court on or before Monday, September 26, 2011.

The parties shall engage in good faith settlement negotiations before the mediation.

Dated: New York, New York
September 21, 2011

RMB

RICHARD M. BERMAN, U.S.D.J.